DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Amendment

The Examiner has acknowledged the amended claims 23, 24, and 29.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 7, 15 – 21, and 29 - 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Wen et al (US 2002/0161896; hereinafter Wen).

Regarding claim 1, Wen discloses a method of establishing communication sessions through the Internet (fig. 1), such method comprising: receiving a request from an Internet requester by a website for a communication session with an human agent of the website (100, fig.1; paragraphs [0018] and [0028]; Wen discloses that the chat session can be transferred to another agent on the same server, such as **a person** within the same company (**claimed human agent**)); analyzing browser associated

information relating to the request (paragraph [0019]; Wen discloses that the customer 100 explains the reason for the communication); and selecting a human agent for the communication session based upon a content of the analyzed browser associated information (paragraph [0019]; Wen discloses that the agent 120A may be able to handle the communication or may simply be the gateway, or may not be able to assist the customer 100).

Regarding claim 2, Wen discloses the method of establishing communication sessions as in claim 1 wherein the step of analyzing browser associated information further comprises retrieving a list of router identifiers defining a path from the Internet requester to the website (paragraphs [0027] and [0036]; Wen discloses that the list may be names, URLs, Hyperlinks, etc).

Regarding claim 3, Wen the method of establishing communication sessions as in claim 2 further comprising identifying a locale of an IP packet router in a closest relative location to the requester (paragraph [0036]).

Regarding claim 4, Wen discloses the method of establishing communication sessions as in claim 3 wherein the step of selecting the agent further comprises identifying an agent in the identified locale of the closest relative router (paragraph [0036]).

Regarding claim 5, Wen the method of establishing communication sessions as in claim 4 wherein the step of analyzing browser associated information further comprises determining an organizational affiliation of the requester from a domain name

of the request (paragraph [0049]; Wen discloses that the credentials may be, for example the name, **electronic address**, or other identification of the requester).

Regarding claim 6, Wen the method of establishing communication sessions as in claim 5 wherein the step of selecting an agent further comprises retrieving a list of agents qualified to service communication sessions with the determined organization (paragraphs [0032] and [0037]).

Regarding claim 7, Wen the method of establishing communication sessions as in claim 6 further comprising transferring a URL of the requester to the selected agent (paragraphs [0028], [0032], and [0041]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8 – 11, 22 – 28, and 35 - 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen et al (US 2002/0161896; hereinafter Wen) in view of Landsman et al (US 6,785,659; hereinafter Landsman).

Regarding claim 8, Wen discloses substantially all the limitations in claim 1, but fails to specifically disclose the step of retrieving a set of shared files from a browser of the requester.

However, Landsman shows in an analogous art, the step of retrieving a set of shared files from a browser of the requester (col. 11, lines 1 – 7; col. 19, lines 22 - 46).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wen by incorporating the step of retrieving a set of shared files from a browser of the requester as evidenced by Landsman for the purpose of quickly and reliably rendering the files with essentially no downloading delay, thus providing a highly pleasing user experience with requesting rich media files.

Regarding claim 9, Wen and Landsman show all the limitations in claim 8, and Landsman further shows the step of detecting a set of file extension of the shared files (col. 19, lines 22 - 67). The motivation for claim 8 also applies for claim 9.

Regarding claim 10, Wen and Landsman show all the limitations in claim 9, and Wen further shows the step of comparing the file extensions with a communications capability index (paragraph 0033).

Regarding claim 11, Wen and Landsman show all the limitations in claim 10, and Wen further shows the step of selecting the agent further comprises searching for an agent with a communication capability index substantially equal to the requester (paragraph 0033).

Regarding claim 12, Wen and Landsman show all the limitations in claim 8, and Landsman further shows the step of detecting a URL of a competitor ((See col. 20, lines 56-63.)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47.)).

Regarding claim 13, Wen and Landsman show all the limitations in claim 12, and Landsman further shows that the competitor further comprises an identifier of a webpage of a specific product of the competitor ((See col. 20, lines 56-63.)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47)).

Regarding claim 14, Wen and Landsman show all the limitations in claim 13, and Wen further shows the step of selecting the agent further comprises searching for an agent with a knowledge of the specific product of the competitor (paragraph 0029).

Claims 15 – 38 incorporate substantially all the limitations of claims 1 – 14 in apparatus form, rather than in method form. The rejections of claims 1 – 14 apply to claims 15 – 38. Thus, claims 15 – 38 are rejected substantially for the same reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Theriault et al (US 6,049,821) discloses a proxy host computer and method for accessing and retrieving information between a browser and a proxy.

Weisman et al (US 20030110079) discloses a method and apparatus for providing items to users in a computer network (**see paragraph [0030] for the URL competitor limitation**).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272 4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 7, 2008

/Yves Dalencourt/
Primary Examiner, Art Unit 2157